

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 33056P WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/007390	International filing date (day/month/year) 06.07.2004	Priority date (day/month/year) 11.07.2003	
International Patent Classification (IPC) or national classification and IPC C07C227/40			
Applicant DEGUSSA AG			

<ol style="list-style-type: none"> 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>2</u> sheets, as follows: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). 																
<ol style="list-style-type: none"> 4. This report contains indications relating to the following items: <table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table> 	<input checked="" type="checkbox"/>	Box No. I Basis of the report	<input type="checkbox"/>	Box No. II Priority	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI Certain documents cited	<input type="checkbox"/>	Box No. VII Certain defects in the international application	<input type="checkbox"/>	Box No. VIII Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007390

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- the international application as originally filed/furnished
 the description:

pages 1-8 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

- the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-10 _____ received by this Authority on 18.02.2005 with letter

of 18.02.2005

nos.* _____ received by this Authority on _____

- the drawings:

sheets _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

D1: DE 25 03 582 A (BASF AG) 5 August 1976
 (1976-08-05)

D2: EP-A-0 754 679 (SUEDDEUTSCHE KALKSTICKSTOFF)
 22 January 1997 (1997-01-22)

D3: DE 199 20 962 A (BASF AG) 16 November 2000
 (2000-11-16)

1. Novelty (PCT Article 33(2)):

- 1.1 A method is disclosed for reducing the formaldehyde and/or cyanide content in industrially produced solutions of sarcosine salts, characterised in that the starting solution is subjected to thermal treatment as per claim 1.
- 1.2 D1 discloses a method for producing sodium and potassium sarcosinate, said compounds being produced according to the Strecker synthesis. D1 does not disclose a method for reducing the formaldehyde and/or cyanide content of those compounds.
- 1.3 D2 discloses a method for producing creatine

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starting from sodium or potassium sarcosinate.

The sodium or potassium sarcosinate used contains mainly methyliminodiacetic acid as impurity. A formaldehyde or cyanide impurity is not mentioned and the sarcosinate used can be used in the method claimed in D2 to produce creatine despite the impurities.

- 1.4 D3 discloses the production of sarcosine starting from industrial sarcosinate solutions. The salts and methylimidoacetic acids occurring as impurities are separated using an electrodialysis method.
- 1.5 None of documents D1-D3 discloses the claimed method.

The subject matter of claims 1-10 can therefore be considered novel.

2. Inventive step (PCT Article 33(3)):

- 2.1 The invention addresses the problem of developing a method for reducing the formaldehyde and/or cyanide content in industrially produced solutions of sarcosine salts.

The solution proposed by the applicant is the method as per claim 1.

- 2.2 The method as per claim 1 is not in any way suggested by D1-D3. D1 and D2 do not mention

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whether formaldehyde and/or cyanide are present.

In D3, impurities are removed by electrodialysis.

The method as per claims 1-10 is therefore considered inventive in view of D1-D3.

3. Industrial applicability (PCT Article 33(4)):

The subject matter of claims 1-10 is industrially applicable.